CF0000003295

(3)

Single Bench

IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR

CIVIL REVISION NO. 325 OF 2003

REVISIONERS : 1. Smt. Budhwariya Bai aged about
PLAINTIFFS 50 years, wife of late Nanhu Kenwat, Occupation- House wife.

2. Vishal Kenwat son of late Nanhu Kenwat, aged about 26 years, Occupation, Labourer.

Both are resident of Mohalla Torwa Nagar, Bilaspur, Tahsil and District Bilaspur (C.G.)

P.R. No. 2395/03
Presented by shri R.K. Vaishnavkar
dated 16.10.03

VERSUS

RESPONDENTS : 1. Purnima Bai aged about 35 years,
DEFENDANTS resident Near Tarbahar Phatak, Sirgitti Bilaspur, Tahsil and District Bilaspur (C.G.).

2. Senior Divisional Personal Manager (D.P.O.) S.E. Railway Bilaspur (M.P.).

CIVIL REVISION UNDER SECTION 115 OF CIVIL PROCEDURE CODE.

(22)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक C.R.No. 325/2003 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

29.06.2005

Shri M.K. Bhaduri, counsel for the applicants.

Shri Rajeev Shrivastava, counsel for respondent No.1.

None for respondent No. 2.

Learned counsel for the applicants submits that in view of the new amendment in Section 115 of the Code of Civil Procedure, this revision would not be maintainable. He further submits that if the return of the plaint is held to be under Order 7 Rule 10 of C.P.C. then the provisions of the Order 43 Rule1-A would be made applicable and that case a miscellaneous appeal would be filed. He prays for withdrawal of the revision with liberty to file appropriate proceedings against the order impugned.

The prayer is allowed.

This revision is dismissed as withdrawn with liberty to the applicants to file appropriate proceedings under the law, in case such an eventuality arises.

Certified copy of the impugned order be returned to counsel for the applicant after retaining the photocopy of the same, if demanded within 2 weeks from today.

With the above observations, this revision stands finally disposed of. There shall be no order as to costs.

Sd/-
Sunil Kumar Sinha
Judge

YOGENDRA SINGH KANWAR
Digitally signed by YOGENDRA SINGH KANWAR
Date: 2025.04.26 12:44:59 +0530

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